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REMARKS

Claims 1-8 are currently pending in the subject application and are presently under consideration. Claims 27-38 have been withdrawn (and hereby cancelled) pursuant to a restriction requirement that is traversed by applicant's representative. Furthermore, a clarifying amendment has been made herein to claim 1. No new matter has been added and no further search has been necessitated by the present amendments. A complete listing of the claims in accordance with 37 C.F.R. §1.121 can be found at pages 2-3. Accordingly, entry of the present amendments and favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-8 Under 35 U.S.C. § 103(a)

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar, *et al.* (U.S. 6,360,205). It is respectfully submitted that this rejection should be withdrawn for at least the following reason: Iyengar, *et al.* fails to disclose, teach or suggest each and every limitation recited by the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j) (emphasis added).

In particular, Iyengar, *et al.* does not teach or suggest ***correlating deals*** ... to the price and ***non-price criteria*** inputted by a buyer, the non-price criteria including at least one ***distribution attribute***, as recited by claim 1. The Examiner maintains that such a modification, although not disclosed in Iyengar, *et al.* would have been obvious to one skilled in the art. However, it would not be obvious to one skilled in the art to modify Iyengar, *et al.* to correlate the deals for at least one of a product and service offered by the at

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least one seller to the price and non-price criteria inputted by a buyer. Iyengar, *et al.* discloses a system and method that provides a single point of contact for a buyer to obtain information about services offered by a plurality of sellers. Iyengar, *et al.* does not pertain to or disclose correlation of deals based on price and non-price criteria. Furthermore, Fig. 19 in Iyengar, *et al.* does not teach or suggest such a modification, as suggested by the Examiner. In fact, Fig. 19 is directed toward the structure of a network employed to provide communication between a client and a server(s) and not to the correlation of deals from a set of criteria inputted by a buyer.

In addition, Iyengar, *et al.* does not teach or suggest outputting a list of deals in *real time* that are correlated between a buyer and a seller as recited by independent claim 1. As discussed *supra*, there is no disclosure, teaching or suggestion in Iyengar, *et al.* of deal correlation. Assuming *arguendo* that there were such teaching, the reference still fails to teach or suggest outputting a list of deals in *real time*.

Further yet, claim 1 has been amended herein for purposes of clarity to recite correlating deals to non-price criteria, the non-price criteria including at least one distribution attribute. Distribution attributes can be associated with a deal and are not necessarily related to the characteristics of the good or service being purchased. For example, such attributes or criteria can include but is not limited to seller reputation, reliability, timeliness, delivery options, financing options, and warranties. Iyengar, *et al.* does not teach or suggest inputting and/or correlating deals based on this type of information. Rather, Iyengar, *et al.* is concerned solely with providing buyers with information relating to a desired service, specifically the lowest cost airfare amongst a plurality of airlines. Hence, Iyengar, *et al.* pertains only to receiving and processing input regarding service attributes (*e.g.*, price, destination, seat selection, in flight meal, travel dates, *etc.*) and not distribution attributes.

In view of at least the foregoing, it is readily apparent that Iyengar *et al.* does not make obvious the subject invention as recited by independent claim 1 (and claims 2-7 which depend directly or indirectly therefrom) since the reference fails to teach or suggest all the recited claim limitations. Accordingly, this rejection should be withdrawn and a timely notice of allowance issued.

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CONCLUSION

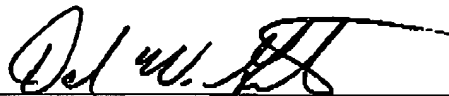
The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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